Supreme Court, U.S.
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No. 93-578

IN THE
Supreme Court of the United States
OCTOBER TERM, 1993

GESKE & SONS, INC.,

Petitioner,

v.

INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 150 AND CHAUFFEURS, TEAMSTERS AND HELPERS, LOCAL UNION 301,

Respondents.

PETITION FOR WRIT OF CERTIORARI TO THE APPELLATE COURT OF ILLINOIS SECOND JUDICIAL DISTRICT

PETITIONER'S REPLY BRIEF

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TABLE OF CONTENTS

Page

TABLE OF CONTENTS i

TABLE OF AUTHORITIES ii

REPLY TO OPPOSITION 1

I. RESPONDENTS FAILED TO ADDRESS WHY A SINGLE FEDERAL STANDARD APPLICABLE TO LIBEL BY LABOR ORGANIZATIONS SHOULD NOT BE APPLIED BASED ON THE COURT'S SUGGESTION IN *OLD DOMINION, ET AL V. AUSTIN* .. 2

II. THE PETITIONER PRESENTED CLEAR EVIDENCE THAT USE OF "ON STRIKE" LANGUAGE ON A PICKET SIGN COUPLED WITH OTHER STATEMENTS AT THE PICKET LINE KNOWN TO BE FALSE OR PUBLISHED WITH RECKLESS DISREGARD FOR THE TRUTH VIOLATES THE COURT'S INSTRUCTIONS IN *LINN* 3

III. PETITIONER DID NOT WAIVE OR FAIL TO URGE UPON THE TRIAL COURT THE *LINN v. PLANT GUARD WORKERS* STANDARD OF LAW .....

IV. RESPONDENTS' CLAIMS OF MISSTATEMENT IN THE PETITION ARE ERRONEOUS 8

CONCLUSION 10

SUPPLEMENTAL APPENDIX 1a

TABLE OF AUTHORITIES

CASES

Page

Bill Johnson's Restaurants,
290 N.L.R.B. 29, 129 L.R.R.M. 1105 (1988) 4, 5, 8

Bill Johnson's Restaurants,
461 U.S. 731 (1983) 4

Davis Supermarkets,
306 N.L.R.B. No. 86, 140 L.R.R.M. 1160 (1992) 10

Lechmere v. NLRB,
112 S. Ct. 843 (1991) 10

Linn v. Plant Guard Workers,
383 U.S. 53 (1966) 1, 3

Loehmann's Plaza,
305 N.L.R.B. No. 81, 138 L.R.R.M. 1452 (1991) 10

Lowe Excavating Co. v.
International Union of Operating Engineers, Local 150,
180 Ill. App. 3d 39 (2d Dist. 1989) 1

New York Times v. Sullivan,
376 U.S. 254 (1964) 2

Old Dominion Branch No. 496, Letter Carriers v. Austin,
418 U.S. 264, 86 L.R.R.M. 2740 (1974) 1, 8

San Diego Building Trades v. Garmon,
359 U.S. 236 (1959) 2

TABLE OF AUTHORITIES - CONTINUED

Page

Southern Pac. Terminal Co. v. Interstate Commerce Comm'n,
219 U.S. 498 (1911) 10

Super Tire Engineering Co. v. McCorkle,
416 U.S. 115 (1974) 10

STATUTES

29 U.S.C. § 158(b)(7)(C) 4

No. 93-578

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1993

GESKE & SONS, INC.,
Petitioner,

v.

INTERNATIONAL UNION OF OPERATING ENGINEERS, NO. 150; CHUCK AUGUST, *et al.*,
Respondents.

PETITIONER'S REPLY TO BRIEF IN OPPOSITION

Respondents do not take issue with Petitioner's core reasons for granting the Writ of Certiorari, that the test in *Linn v. Plant Guards Workers*, 383 U.S. 53 (1966), embodied in the Illinois appellate decision of *Lowe Excavating Co. v. Int'l Union of Operating Engrs.*, Local 150, 180 Ill. App. 3d 39 (2d Dist. 1989), is the standard that must be followed by state courts consistent with this Court's Decision in *Old Dominion Branch No. 496, Letter Carriers v. Austin*, 418 U.S. 264 (1974), to avoid preemption.[1] Nor do Respondents contest the judicial importance of this issue and the striking state judicial conflict on this point.

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[1]The statement of the *Linn-New York Times* libel standard found to be controlling and incorporated in *Lowe* is:

> The issue is whether defendant, with actual malice, published a statement with knowledge of its falsity, or in reckless disregard for the truth. While truth or falsity is an important element in the tort of trade libel, it is certainly not the only issue to be considered. The issues of injury to reputation and defendant's mental state must also be considered.

See Page 12, Footnote 6 of the Petition.

I. RESPONDENTS FAILED TO ADDRESS WHY A SINGLE FEDERAL STANDARD APPLICABLE TO LIBEL BY LABOR ORGANIZATIONS SHOULD NOT BE APPLIED BASED ON THE COURT'S SUGGESTION IN *OLD DOMINION, ET AL V. AUSTIN*

Respondents in Section II of the Opposition either misconceived or side-stepped the core argument regarding *Linn* and *Austin* and chose to frame an argument here on traditional preemption grounds grounded in *San Diego Bldg. Trades v. Garmon*, 359 U.S. 236 (1959). Because the Unions failed to cross-appeal the denial of their preemption arguments by the trial court, there is absolutely no issue of preemption in this case. *See* 16a. Any suggestion that the Doctrine of Federal Preemption prohibits a state court from considering libel claims has been waived.

The Respondents' argument at Opposition page 8 that the *Linn* libel standard does not apply because the facts in *Linn* can be differentiated from the facts in the instant case, is clearly not the basis for this Court's Decision in *Linn*. The Court held in *Linn*:

> [T]he standards enunciated in *New York Times v. Sullivan*, 376 U.S. 254 (1964) are adopted by analogy ... *We apply the malice test to effectuate the statutory design with respect to pre-emption.* Construing the Act to permit recovery of damage in a state cause of action only for defamatory statements published with knowledge of falsity or with reckless disregard of whether they were true or false guards against abuse of libel actions and unwarranted intrusion of free discussion envisioned by the Act.

Linn, 383 U.S. at 65 (emphasis added).

The test from the *Lowe* Decision *supra* at n. 1, paraphrased this quote from *Linn* and applied it to both injunctive relief as well as damages, since the Illinois tort of trade libel contemplates injunctive relief in a proper case involving tortious conduct by a labor union. Given the adoption of the *New York Times* standard in *Linn*, there

is simply no merit to the Unions' argument that the Petition: "asks this Court to improperly inject itself into the merits of the controversy and judge the Union's objectives by interpreting the language of its picket signs and the meaning of its 'on strike for recognition' message." Opposition at 9.

II. THE PETITIONER PRESENTED CLEAR EVIDENCE THAT USE OF "ON STRIKE" LANGUAGE ON A PICKET SIGN COUPLED WITH OTHER STATEMENTS AT THE PICKET LINE KNOWN TO BE FALSE OR PUBLISHED WITH RECKLESS DISREGARD FOR THE TRUTH VIOLATES THE COURT'S INSTRUCTIONS IN *LINN*

The question before the circuit court and the appellate court below was whether the words "On Strike" contained on a picket sign coupled with other statements known to be false, such as "that the plant's (Geske's) broke down" (*See* Reply *infra*, footnote 5) when they knew the contrary to be true, met the *New York Times-Linn-Lowe* standard of malicious libel. The Court will note that Geske in its closing oral argument at trial, contrary to the unions' claims, based its claim upon *Lowe*, *Linn*, and the *New York Times* standard for injunctive relief interchangeably.

We respectfully suggest that the Union with malice aforethought knew that there was no "strike" going on at Geske as was represented on the picket signs. Demonstrated by testimony from the business agent who was at the picket line, Mr. Quigley, *i.e.*, whether he had ever been "on strike" while he was a construction employee, he knew what the term "on strike" meant in common parlance.[2] His

---

[2] "Q. Mr. Quigley, have you ever been on strike?
A. Have I ever been on strike?
Q. Right.
A. Yeah.
Q. And when was that?
A. For -- I was -- are you talking about for -- with a company?
(continued...)

affirmative answer showed that he understood "on strike" to mean actions of employees against their own employer, and Geske urged the trial court to conclude that this demonstrated knowledge attributable to the Union.

In the instant case, the Unions knew that not a single employee of Geske was on strike. Their picketing was top-down recognitional picketing arguably condoned for a reasonable period not to exceed 30 days.[3] There was no organizational activity where employees of Geske joined in the picket line or voted to go on strike justifying the use of the term, "On Strike" on the sign.

---

[2](...continued)

Q. Right.
A. Oh, yeah, yeah, yeah. I think it was -- I want to say around '87, I think, where a contract had expired and I was involved in a strike with a company.
Q. And do you remember if there was any picket sign.
A. Was there what?
Q. Was there any picket sign at that time?
A. I think there was picket vest, if I remember.
Q. Pardon.
A. Picket vests.
Q. Picket vests. Do you remember what they said?
A. "On strike."

Tr. at 1110, ll. 14 - 24; 1111, ll. 1-11 (Sept. 26, 1991).

[3]The Labor Act, 29 U.S.C. § 158(b)(7)(C), from which the Union derives its claim to engage in 30 days of lawful picketing, likewise only condones truthful picketing, but provides no remedy for untruthful picketing. Petitioner urges remediation against the untruth can only be heard in the state courts.

> "Provided further, That nothing in this subparagraph (C) shall be construed to prohibit any picketing or other publicity for the purpose of *truthfully* advising the public (including consumers)..." (Emphasis added).

The N.L.R.B.'s decision in *Bill Johnson's Restaurants*, 290 N.L.R.B. 29 (1988), following remand from this Court's decision in *Bill Johnson's Restaurants*, 461 U.S. 731 (1983), explicitly holds that the Board will not entertain libel and will leave those issues to the state court: "Our expertise lies in resolving labor law questions that arise under the Act, rather than deciding claims that arise under state law." *Bill Johnson's*, 290 N.L.R.B. at 32.

III. PETITIONER DID NOT WAIVE OR FAIL TO URGE UPON THE TRIAL COURT THE *LINN v. PLANT GUARD WORKERS* STANDARD OF LAW

Respondents attempt to defeat the Petition on jurisdictional grounds claiming that the Company waived its argument in not articulating the *Linn v. Plant Guard Workers* standard at the trial court in support of its injunction petition, and opposing the Union's Motion for directed finding at the conclusion of the evidence on the injunction petition. The Union's arguments in this regard are simply contrary to the record. Petitioner, in its Petition, page 12, Footnote 7, has already called the Court's attention to references in the Plaintiff's Motion for Temporary Restraining Order and Preliminary and Permanent Injunction where Geske urged the *Lowe-Linn* standard. Respondents do not dispute this footnote. *See* page 7 of the Respondents' Opposition.

In the Oral Argument on September 27, 1991, before Judge Sullivan, the presiding Judge in the Circuit Court for the Nineteenth Judicial District, McHenry County, counsel for Geske argued in opposition to the Union's Motion for Directed Finding and on numerous occasions during that argument, made clear that Geske was urging the court to follow the *Linn-Lowe-New York Times* standard of reckless disregard of the truth and urged alternatively that it could meet the standard urged by the Union ultimately adopted by the court to be the standard. By Mr. Smetana:

> "We submit similarly here you have the authority to enjoin the untruthfulness on the sign. In fact, in the *Lowe* case that was the whole *raison d'etre* of the case.
>
> Mr. Pierson [counsel for the Union] made a very impassioned and persuasive argument ... that *Lowe* would be the first case in which a state court would enjoin picketing having an untrue act because the untrue act was on the picket signs and in all the other cases that had come up until that point, the untrue acts were uttered in some other fashion.

> ... the *Lowe* Court (Decision), which this Court is bound by, in fact, said that wasn't a problem. The normal tests of whether or not the utterance meets the *New York Times* standard of acting in reckless disregard of the truth ... in a labor case involving libel -- slander --... in fact the trade libel count in *Lowe* is identical to the trade libel count we have in this Complaint.
>
> The Court, in the very last paragraph of the *Lowe* decision, which we pointed out to your Honor, I believe, in the last motion to dismiss -- ... I'm paraphrasing -- the Court there said that the essence of the decision is not so much the untruth but whether it's in reckless disregard of what they know to be otherwise."

Tr. at 1332, ll. 10-21; 1333, ll. 1-2, 5-18 (Sept. 27, 1991).

Geske further argued to the specific facts in the *Lowe* case where the appellate court described the issue of reckless disregard with respect to knowledge attributable to the Union on prevailing wage rates.

> "Here they [Respondent Local 150, also the Union involved in *Lowe*] know better. They are presumed to know. They are one of the most sophisticated, able, aggressive, active labor organizations in Chicagoland and, for all I know, in the country. ...
>
> Now, why have they been using those signs? Because the "area standard" signs aren't effective. ...
>
> But that doesn't permit you, because you have a right to engage in an activity, to engage in it untruthfully. It is the same in *Lowe* and here. We've submitted that memorandum that the common understanding... they're contrary to what "strike" means. It's common concerted action by men working for an employer striking against that employer.

> Now the unions deliberately in bold letters in this case put "on strike" on this sign. Why? Because they knew ... the responsibilities of what [it is] working men should do and must do is honor a strike and do not cross a picket line when men are on strike. That's what you don't do, and that's why, when they see a strike sign in-bold letters -- that's why people don't cross.
>
> In this case the unions have a right to get a signal effect, but they can't do it untruthfully. ...
>
> Jack Pease testified -- and he's the only testimony on the record -- that prior to 1990, when they used the "area standard" signs", he was loaded at the pits. ... Now, with one exception, I think, he mentioned that since the "on strike" signs have been used, he doesn't get loaded and everyone honors the sign."

Tr. at 1334, ll. 8-12, 21-23; 1335, lines 7-24; 1336, ll. 1-2, 9-11, 17-24 (Sept. 27, 1991).

Geske was permitted sur rebuttal in oral argument and in the sur rebuttal, made specific references to the *Linn* case at Tr. at 1355, ll. 20-24; 1356, ll. 1-2 (Sept. 27, 1991):

> "The U.S. Supreme Court in the *Linn* case makes it very clear ... that if they're intentional torts, the State Court has jurisdiction. The fact that there may be other remedies available under the Labor Act for other purposes isn't dispositive. ..."

It should be clear that the *Linn-New York Times* standard adopted by the Second District in *Lowe* was clearly not waived. Geske argued for the first time at the appellate court only with

respect to the Court's *Austin* case requiring a single national libel standard articulated in *Linn* as it was not previously an issue.[4]

IV. RESPONDENTS' CLAIMS OF MISSTATEMENT IN THE PETITION ARE ERRONEOUS

Respondents' first reference to misstatements is at Page 4 of the Opposition where they claim the Petitioner was involved in litigation efforts to "stop the Union's picketing." Petitioner's complaint and injunction petition only sought relief limited to the sign's untruthful "on strike" language and not to enjoin picketing per se. *Also see* opening statement in oral argument at Page 5, *supra*. The picketing could have continued without utilizing the words, "On Strike".

The second claim of misstatement in the Opposition wrongly suggests that the record does not support statements in the Petition that union representatives declared Geske's employees were on strike, pretended that they themselves were company employees (Opposition page 4), or claimed it represented Geske employees and that they were striking (Opposition page 5). The record testimony shows that the responsible *Union business agents* at the picket line with reckless disregard for the truth *held themselves out as employees* of the Employer at the site on strike, when they knew that no Geske employee was in fact on strike.[5]

---

[4]It should be noted that N.L.R.B. Chairman Stephens in his concurring opinion in *Bill Johnson's* recognizes the mandate for a single federal standard after *Austin*:

> " ...the Court set out a Federal standard for determining whether a particular libel could be found to be actionable... A state court that substitutes state common law principles for that standard and permits a state law remedy for speech that would be protected under Federal law is properly reversed."

Bill Johnson's, 290 N.L.R.B. at 34, citing *Letter Carriers v. Austin*, 418 U.S. 264, 281-87 (1974).

[5]This is based upon the unrebutted record evidence before Judge Sullivan, examination of Jack Pe[illegible]e by Mr. Smetana:

(continued...)

CONCLUSION

The two issues presented by this Petition remain unanswered in the Respondent's Brief in Response. For these reasons, it is respectfully moved that a Writ of Certiorari be granted, because of the important questions presented and because of the conflict in the state courts, amplifying that importance. [6]

---

[5](...continued)

"Q. What did you observe? ...

A. They (the picketers and Business Agents) were standing in the roadway approximately 5 to 7 feet apart forming an impervious band for vehicular traffic...

Q. Did the Performance Paving truck turn around or go into the plant?

A. Performance Paving made a U-turn after a couple of comments were made to them and left the site without getting loaded...

Q. What did Mr. August (the Local 150 Business Agent) say?

A. That the Geske employees were on strike. First, someone else said that the plant's broke down and Chuck August said, "Geske employees are on strike, why don't you go to Curran [a competitor]?"

Tr. at 150, ll. 10, 13-15, 24; 151, ll. 1-4, 10-16 (Sept. 13, 1991).

This testimony was corroborated by the testimony of Robert Bergstrom, an employee of Wicks Black Top, examination by Mr. Smetana:

Q. And did he [Chuck August] have anything to do with your stopping?

A. He held his arm up and told me to -- that they were on strike.

Q. Well, tell us now what was said in that conversation, as best you can, from beginning to end.

A. All right. He stopped us ... and he said, "We are on strike here", and we said, "Do you own the plant" and he said, "Just us operators own the plant." ..."

Tr. at 232, ll. 15-24; 233, ll. 1-2 (Sept. 23, 1991).

[6]Petitioner respectfully suggests that the overriding reason why the Court should grant review at this time is that the tort of trade libel is the only available remedy to deal with untruthful statements meeting the *New York Times* standard placed on a picket sign. If *certiorari* should be denied, the law of this case will prevent the *Linn-Lowe-New York Times* standard from being applied in view of the decision of the Second District below. The headwinds of any future case raising similar reckless disregard for the truth on picket signs by labor organizations are insurmountable in view of the NLRB General Counsel's issuance of Complaint in the instant Geske case (copy attached), which is presently *sub judice* before an

(continued...)

Respectfully submitted,

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Dated: November 16, 1993

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[6](...continued)
NLRB ALJ following an evidentiary hearing and briefs. The gravamen of the Complaint, in addition to erroneously claiming pre-emption, is a remedy that the Board fashioned in the pre-*Lechmere* decision of *Loehmann's Plaza*, 305 N.L.R.B. No. 81 (1991), requiring an employer to take appropriate action to vacate any state proceeding. In *Loehmann's* the tort was trespass. In the instant Geske Complaint, it is trade libel that arguably interferes with arguably protected rights. The Board in its post-*Lechmere* decision in *Davis Supermarkets*, 306 N.L.R.B. No. 86 (1992), has signaled its continued adherence to chilling state tort enforcement. While Geske has urged by analogy in response to the ALJ that, as in this Court's decision in *Lechmere v. NLRB*, 112 S.Ct. 843 (1991), where strangers will not be permitted to come onto private property, it is similar to the scheme of the Labor Act to only condone truthful picketing. The effect of the government's decision to issue complaints of this nature will so chill future opportunities for others to raise trade libel issues that the instant Petition will be the last to bring this issue to the Court. The Court will note that the remedy the NLRB seeks from Geske is payment of all the unions' attorneys' fees in defending this trade libel action. Supp. App. 5a. This is punitive for a tiny employer such as Geske and creates the chilling effect that we speak, *i.e.*, inhibiting others from utilizing a state court libel action in similar circumstances.

The Court's formulation of the mootness doctrine in *Southern Pac. Terminal Co. v. Interstate Commerce Comm'n*, 219 U.S. 498 (1911), and more recently in *Super Tire Engineering Co. v. McCorkle*, 416 U.S. 115, 126 (1974), is also analogous in showing the reason for granting review in the instant case. A denial of preliminary injunctive relief is a short-term order that would (forever) escape review in view of the Board's present use of its prosecutorial discretion in issuing complaint such as the one against Geske (*see* Supplemental Appendix).

SUPPLEMENTAL APPENDIX

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION THIRTY-THREE

GESKE & SONS, INC.,

and

INTERNATIONAL UNION OF
OPERATING ENGINEERS,
NO. 150, AFL-CIO

COMPLAINT AND NOTICE OF HEARING

It having been charged by International Union of Operating Engineers, Local 150, AFL-CIO, herein called Local 150, that Geske and Sons, Inc., herein called Respondent, has engaged in, and is engaging in, unfair labor practices affecting commerce as set forth and defined in the National Labor Relations Act, as amended, 29 U.S.C. Sec. 151, *et seq.*, herein called the Act, the General Counsel of the National Labor Relations Board, herein called the Board, on behalf of the Board, by the undersigned Regional Director for Region 33, pursuant to Section 10(b) of the Act and the Board's Rules and Regulations--Series 8, as amended, Section 102.15, hereby issues this Complaint and Notice of Hearing and alleges as follows:

1.

(a) The original charge was filed by Local 150 on September 19, 1991, and was served on Respondent by certified mail on or about the same date.

(b) The first amended charge was filed by Local 150 on March 24, 1992, and was served on Respondent by certified mail on or about the same date.

2.

(a) Respondent is, and has been at all times material herein, a Delaware corporation with office and place of business located at Crystal Lake, Illinois. It is engaged in the business of asphalt paving and manufacturing of asphalt mix for sale to commercial customers in the construction industry.

(b) Respondent, during the past twelve months, derived gross revenues in excess of $250,000 from the conduct of its business operations.

(c) Respondent, during the past twelve months, in the course and conduct of its business operations, purchased and caused to be transferred and delivered to its Crystal Lake, Illinois facility, goods and materials, including oil, valued in excess of $50,000 which were transported to said facility directly from states other that the State of Illinois.

(d) Respondent is, and has been at all times material herein, an employer engaged in commerce within the meaning of Section 2(6) and (7) of the Act.

3.

(a) Operating Engineers Local 150, is, and has been at all times material herein, a labor organization within the meaning of Section 2(5) of the Act.

(b) Chauffeurs, Teamsters and Helpers, Local 301, hereinafter referred to as Teamsters Local 301 is, and has been at all times material herein, a labor organization within the meaning of Section 2(5) of the Act.

4.

At all times material herein, the following-named persons occupied the positions set opposite their respective names, and have been, and are now, agents of the Respondent at its Crystal Lake, Illinois facility, acting on its behalf, and are supervisors within the meaning of Section 2(11) of the Act:

Leroy Geske - President
Lorie Geske - General Manager

5.

(a) During the period August 19, 1991 through September 17, 1991, Operating Engineers Local 150 picketed Respondent with signs that read: "IUOE Local 150 on strike against Geske for representation as majority bargaining representative of company's operating engineer employees."

(b) During the period August 19, 1991 through September 17, 1991, Teamsters Local 301 assisted Operating Engineers in the picketing described in paragraph 5(a) above.

(c) On or about September 23, 1991, Respondent filed an unfair labor practice charge in Case 33-CP-268 against Operating Engineers Local 150 alleging a violation of Section 8(b)(7)(C) of the Act.

(d) On or about September 26, 1991, Respondent filed an unfair labor practice charge in Case 33-CP-273 against Teamsters Local 301 alleging a violation of Section 8(b)(7)(C) of the Act.

(e) On or about September 26, 1991, Respondent filed an unfair labor practice charge in Case 33-CP 274 against Operating Engineers Local 150 alleging a violation of Section 8(b)(7)(C) of the Act.

(f) On or about October 8, 1991, Glenn A. Zipp, the Regional Director of Region 33, dismissed the charges against Operating Engineers Local 150 in Cases 33-CP-268, and 33-CP-274 and dismissed the charges against Teamsters Local 301 in Case 33-CP-273. A copy of said dismissal letter is attached as Exhibit A.

(g) On or about February 25, 1992, the Office of Appeals of the National Labor Relations Board denied Respondent's appeal of the Regional Director's dismissal of Cases 33-CP-268, 33-CP-273, and 33-CP-274. A copy of said dismissal of Respondent's appeal is attached as Exhibit B.

6.

(a) On or about September 5, 1991, Respondent filed a state court lawsuit in the Circuit Court of McHenry County, Illinois, Case

No. 91 CH 273, against Operating Engineers Local 150 and Teamsters Local 301 in which it requested a temporary restraining order, preliminary and permanent injunctions and damages.

(b) On or about September 27, 1991, Respondent filed a Third Amended Verified Complaint for temporary restraining order, preliminary and permanent injunctions, and damages, and named as defendants, inter alia, International Union of Operating Engineers, Local No. 150, Chuck August, Robert Paddock, Gary Laney, Michael Quigley, Kal Lester, and Angel Delrivero, Chauffeurs, Teamsters, and Helpers, Local Union 301, Bud Layoff, and Mike Haffner. A copy of said Third Amended Verified Complaint is attached as Exhibit C.

(c) The Third Amended Complaint alleges as causes of actions against the defendants named above in paragraph 6(b) trade libel, tortious interference with contractual relations, and tortious interference with prospective advantage and seeks injunctive relief and damages.

(d) On or about October 15, 1991, Respondent filed a Notice of Appeal in the Appellate Court of Illinois, Second Judicial District, by which it appeals McHenry County Circuit Judge Sullivan's denial on September 27, 1991, of Respondent's Motion for Preliminary Injunction and since October 15, 1991 has continued to maintain and prosecute said Appeal.

(e) Since on or about September 5, 1991, Respondent has filed, maintained and prosecuted the state court lawsuit described above in paragraphs 6(a) through (d), with causes of action for trade libel, tortious interference with contractual relations and tortious interference with prospective advantage that are without reasonable basis and that were motivated by an intent to retaliate against the protected concerted activity of Operating Engineers Local 150 in seeking to organize the employer's operating engineer employees by engaging in lawful recognitional picketing.

7.

By the acts described above in paragraph 6, and by each of said acts, Respondent did engage in, and is engaging in, unfair labor practices affecting commerce within the meaning of Section 8(a)(1) and Sections 2(6) and (7) of the Act.

8.

As part of the remedy, Counsel for the General Counsel seeks to enjoin Respondent's state court lawsuit with the exception of a claim for damages against Operating Engineers Local 150 and Teamsters Local 301 under the authority of Section 303 of the National Labor Relations Act for allegedly threatening neutral employers that was tantamount to engaging in conduct with an unlawful secondary object under Section 8(b)(4) of the Act.

PLEASE TAKE NOTICE that on a date and time and at a place to be designated later, a hearing will be conducted before a duly designated Administrative Law Judge of the National Labor Relations Board on the allegations set forth in the above Complaint, at which time and place you will have the right to appear in person, or otherwise, and give testimony. The hearing will continue on consecutive days thereafter until concluded. Form NLRB-4668, Summary of Standard Procedures in Formal Hearings Held Before the National Labor Relations Board in Unfair Labor Practice Proceedings Pursuant to Section 10 of the National Labor Relations Act, As Amended, is attached.

YOU ARE FURTHER NOTIFIED that pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, Respondent shall file with the Regional Director, acting in this matter as agent of the Board, an original and four (4) copies of an Answer to said Complaint, which must be received within 14 (fourteen) days from the date of this Complaint, and that unless it does so, all of the allegations in said Complaint shall be deemed to be admitted true and may be so found by the Board. Immediately upon the filing of its Answer, Respondent shall serve a copy thereof on each of the other parties.

DATED at Peoria, Illinois, this 30th day of March, 1992.

/s/ Glenn A. Zipp
Glenn A. Zipp, Regional Director
National Labor Relations Board
Region Thirty-Three
16th Floor Savings Center Tower
411 Hamilton Boulevard
Peoria, Illinois 61602

(Exhibits Omitted)